

Remarks

Applicants thank the Examiner for carefully considering the subject application.

Regarding the application of Brehob et al. (US 6,098,585) to claims 18-30, Applicants have amended these claims to specifically identify adjusting valve timing of at least one electrically actuated valve. Therefore, because Brehob et al. has no mention of controlling electrically actuated valves, Applicants respectfully submit that this reference is not relevant. As no other reference has been applied to Claims 18-30, Applicants respectfully request that these claims be allowed.

Regarding the application of Tisch et al. to claims 1-18, Applicants respectfully submit that Tisch et al. describe setting valve timing of cylinders based solely on having those cylinders at a top dead center position. Specifically, Tisch et al. rely on the fact that the pistons are starting in the top dead center position to obtain acceptable engine starting. Tisch et al. make no mention of how the cylinders are put in such a position, nor any mention of how to set the valves for starting from any other position.

In contrast, Applicants have provided an approach that accommodates a plurality of starting positions, while still enabling fast starting by setting the valves to obtain a desired stroke in cases where there is sufficient downward movement to produce engine output.

As such, Applicants respectfully submit that claim 1 should be allowed. And for similar reasons, claim 13 should also be allowed. Claims 2-5 and 14-17 depend from claims 1 or 13, and therefore should also be allowed.

Regarding Claim 6, Applicants again respectfully submit that Tisch et al. describe setting valve timing of cylinders based solely on having those cylinders at a top dead center position. Tisch et al. are only able to start from a single position, with no consideration of direction of

piston travel. In other words, because Tisch et al. always start from top dead center, the piston can only travel down, and thus there would be no need for Tisch et al. to even consider direction of piston travel (as only one direction is possible).

As such, Applicants respectfully submit that claim 6 should be allowed. Claims 7-12 depend from claims 6 and therefore should also be allowed.

Based on the foregoing comments, the above-identified application is believed to be in condition for allowance, and such allowance is courteously solicited. If any further amendment is necessary to advance prosecution and place this case in allowable condition, the Examiner is courteously requested to contact the undersigned by fax or telephone at the number listed below.

Please charge any cost incurred in the filing of this Amendment, along with any other costs, to Deposit Account No. 06-1510. If there are insufficient funds in this account, please charge the fees to Deposit Account No. 06-1505. A duplicate copy of this sheet is enclosed.


CERTIFICATE OF FACSIMILE

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Mail Stop AMENDMENT, Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450, on January 31, 2005.


Lauren Barberena

Respectfully submitted,

ALLEMAN HALL McCOY RUSSELL & TUTTLE LLP


Christopher S. Tuttle
Registration No. 41,357
Customer No. 36865
of Attorneys for Applicants
806 SW Broadway, Suite 600
Portland, Oregon 97206
Telephone: (503) 459-4141
Facsimile: (503) 459-4142